

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): December 4, 2008

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Walla District; River Bend Partners; 003201400; Lot 15 only

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

Latitude (NAD83) 43.6423051355224
Longitude (NAD83) -111.171913820464
UTM Zone 12
UTM X Coordinate 486134.426391253
UTM Y Coordinate 4832160.06482468
PLSS Meridian Boise
PLSS Township 4 N
PLSS Range 45 E
PLSS Section 29

Name of nearest waterbody: Teton River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Teton River

Name of watershed or Hydrologic Unit Code (HUC): 8 Digit Huc 17040204

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date:

☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply): ¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: Teton River along lot is about 500 linear feet

Wetlands: several acres on lot 15

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

2. **Non-regulated waters/wetlands (check if applicable):³**

☒ **Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:** .

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: **Teton River**

Summarize rationale supporting determination: Teton River supports substantial recreational and commercial boating. Commercial boating includes guided fishing as well as rental of canoes, etc. in Driggs. Downstream Teton River is impounded to form a small hydroelectric facility licensed by the Federal Energy Regulatory Commission. River's eastern tributaries originate in Wyoming and cross into Idaho thus they are interstate waters. Teton River drains into the Henrys Fork (aka North Fork Snake River) and into the Snake River another interstate river.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

Wetlands on this site abut the Teton River as evident on the applicant supplied drawings and inspections in the general area over the last 15 years by R. Brochu, Regulatory Project Manager.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): Not Applicable

C. SIGNIFICANT NEXUS DETERMINATION: Not Applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

☒ TNWs: about 500 linear feet of undetermined width.

☒ Wetlands adjacent to TNWs: approximately 2 to 3 wetland acres on lot 15.

(remainder of Section III, D does not apply and has been deleted)

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):⁴ Not Applicable

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): Not Applicable

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: .

☐ Corps navigable waters' study: .

☐ U.S. Geological Survey Hydrologic Atlas: .

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

³ Supporting documentation is presented in Section III.F.

⁴ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- ☒ U.S. Geological Survey map(s). Cite scale & quad name: USGS 1:24K Quad Name ID-BATES.
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
- ☐ National wetlands inventory map(s). Cite name: .
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): .
or ☐ Other (Name & Date): .
- ☒ Previous determination(s). NWW No. 003201400 verified July 23 2001 included lot 15.
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☒ Other information (please specify): Multiple inspections of the Riverbend Estates Subdivision over the last 15 years by R. Brochu, Regulatory Project Manager.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Teton River supports substantial interstate fishing. Commercial fishing guides advertise via brochures and the internet regarding fishing opportunities on the Teton River in Teton Valley. Several public boat launch and public access facilities operated by either the county or Idaho Fish and Game exist along the river in Teton Valley. Drift boats, canoes, and even small motorized skiffs navigate the Teton River.